

Senate Bill 500

By: Senators Stephens of the 27th, Wiles of the 37th, Staton of the 18th and Hill of the 32nd

AS PASSED

AN ACT

To provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties; to require that all electronic recording voting systems used in such pilot project produce a permanent paper record of the votes recorded on such systems for each voter; to provide that such voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on such electronic recording voting systems; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 This Act shall be known and may be cited as the "2006 Georgia Accuracy in Elections Act."

4 **SECTION 2.**

5 Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
6 relating to electronic recording voting systems, is amended by adding a new Code Section
7 21-2-379.12 to read as follows:

8 "21-2-379.12.

9 (a) The Secretary of State shall implement a pilot program providing for the use of direct
10 recording electronic (DRE) voting equipment equipped and configured with an elector
11 verified, permanent paper record of the votes cast by each elector on each DRE unit in one
12 precinct each in the Counties of Cobb, Bibb, and Camden in the 2006 November general
13 election and any runoff from such election.

14 (b)(1) Each DRE unit used in the pilot project shall meet the requirements of this
15 subsection and shall be of the same general type from the same vendor or manufacturer
16 as those DRE units in use in the state.

1 (2) Each DRE unit used by the counties in the pilot project shall have received national
2 qualification and shall have passed state certification for use in elections. For the
3 purposes of this Code section, the Secretary of State is authorized to provide for a
4 conditional certification of the units which shall expire on December 31, 2006.

5 (3) Each unit shall produce an elector verified, permanent paper record of the votes cast
6 by each elector on such device and shall provide the elector with an opportunity to review
7 the permanent paper record privately and independently before casting his or her vote on
8 the unit and to change his or her ballot or correct any error in such record or vote;
9 provided, however, that it shall not allow the elector to have actual physical possession
10 of such record. Each unit shall bear a unique identifying number and each unit shall be
11 equipped with a storage device that:

12 (A) Stores each of the elector verified, permanent paper records at the same time as
13 such elector's votes are stored electronically by the DRE unit;

14 (B) Bears the same unique identifying number as the DRE unit to which it is attached;
15 and

16 (C) Can be removed from the DRE unit for the purpose of transporting the permanent
17 paper records contained therein to a central tabulating center.

18 (c) In those counties constituting the pilot project in the 2006 November general election
19 and any runoff therefrom, each duly qualified elector shall cast his or her vote on a DRE
20 unit by touching the screen or pressing the appropriate button on the unit for the candidate
21 or issue of such elector's choice. After having the opportunity to vote in all races and upon
22 all questions in which the elector is eligible to vote, the unit shall display a summary of the
23 choices which the elector has made. At that time, the elector shall also be notified of any
24 races or questions in which the elector did not make a selection and all other choices of the
25 elector shall be displayed for the elector's review. The elector shall have the opportunity
26 to change any choices which the elector made in voting the ballot and be allowed to vote
27 in those races and on those questions in which the elector did not previously make a
28 selection or cast a vote, and the elector shall again be presented with a summary display of
29 his or her choices. After the summary screen is displayed and the elector desires to make
30 no further changes to his or her votes, the elector shall be notified that he or she is about
31 to cast the ballot. Prior to the elector casting his or her vote on the unit, the unit shall print
32 a permanent paper record of the elector's votes. The elector shall then review such
33 permanent paper record and, if such record is correct, the elector shall then press the
34 appropriate button on the unit or location on the screen to actually cast his or her ballot and

1 cause such votes to be recorded, which shall also cause the permanent paper record to be
2 deposited in a ballot box or other secure container. If the votes shown on the permanent
3 paper record are incorrect, the unit shall allow the elector to correct such error or errors by
4 rejecting and voiding the permanent paper record that was printed and changing such
5 elector's votes on the unit. After making such corrections, the unit shall print a new
6 permanent paper record for the elector's review. If the new record is correct, the elector
7 shall then press the appropriate button on the unit or location on the screen to actually cast
8 his or her ballot. If the new record is incorrect, the unit shall allow the voter to reject and
9 void the new permanent paper record and again change the elector's votes on the unit.
10 After making such corrections, the unit shall print a permanent paper record of the elector's
11 votes and shall cause the elector's ballot to be cast and such votes to be recorded. The
12 elector shall only be allowed to adjust his or her votes three times before casting the ballot.

13 After pressing the appropriate button on the unit or location on the screen to cast the ballot,
14 the elector's vote shall be final and shall not be subsequently altered. The permanent paper
15 records shall be secured in locked ballot boxes or other secure containers at all times and
16 such ballot boxes or containers shall not be opened nor shall such ballots be counted unless
17 and until required to be counted pursuant to a recount or an election contest proceeding;
18 provided, however, that the Secretary of State shall cause a complete manual audit to be
19 performed on each DRE unit used in the pilot project for voting within 30 days following
20 the 2006 November general election and within 30 days of any runoff of such election.
21 The audit shall compare the results of the permanent paper records from each DRE unit
22 with the electronic record recorded by the DRE unit. The results of such audits shall be
23 made available to the public upon the completion of the audits.

24 (d) The Secretary of State shall provide the DRE units and all necessary software, supplies,
25 training, and support for the pilot project.

26 (e) The State of Georgia shall provide the funding needed to implement such pilot project.

27 (f) Not later than the second Monday in January, 2007, the Secretary of State shall conduct
28 a public hearing in each of the pilot areas. A summary of the findings as well as the
29 comments received shall be submitted to the General Assembly and made available to the
30 general public.

31 (g) This Code section shall be repealed by operation of law on February 1, 2007."

32 SECTION 3.

1 This Act shall become effective upon its approval by the Governor or upon its becoming law
2 without such approval.

3 **SECTION 4.**

4 All laws and parts of laws in conflict with this Act are repealed.